

REMARKS

The last Office Action of January 4, 2005 has been carefully considered. Reconsideration of the instant application in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 1-9 are pending in the application. Claims 1, 6, and 7 have been amended. Claims 5 and 8 have been canceled. Claims 1- 4, 6, 7, and 9 remain in this application.

It is noted that the drawings are objected to because of applicant's failure to show every feature set forth in the claims. A new drawing sheet is submitted and labeled "Replacement Sheet".

It is further noted that claims 1-9 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 5-8 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. No. 3,668,653 to Fair (hereinafter "Fair").

Claims 1, 5 and 7-8 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. No. 4,369,563 to Williamson (hereinafter "Williamson").

Claim 6 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Williamson, and further in view of U.S. Pat. No. 5,621,672 to Kobayashi (hereinafter "Kobayashi").

AMENDMENTS TO THE DRAWINGS WITHOUT MARKINGS

FIG. 1 has been amended.

Claim 2 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Williamson, or alternatively over Fair, and further in view of U.S. Pat. No. 5,561,770 to de Bruijn, (hereinafter “de Bruijn”).

Claim 4 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Williamson, or alternatively over Fair, and further in view of U.S. Pat. No. 4,294,682 to Deczky, (hereinafter “Deczky”).

Claim 3 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Williamson, or alternatively over Fair, and further in view of The Microsoft Computer Dictionary.

OBJECTION TO THE DRAWING

Applicant has amended Fig. 1 to show the wireless link recited in claim 4. Applicant submits that the amendment to Fig. 1 does not introduce new matter, since, as described in Para. [0029], wireless bus connections can be substituted for wired bus connections.

Withdrawal of the objection to the drawing is thus respectfully requested.

REJECTION UNDER 35 U.S.C. §112, SECOND PARAGRAPH

Applicant has amended claim 1 to address the §112 rejection. These changes are self-explanatory and cosmetic in nature and should not be considered as a narrowing amendment to trigger prosecution history estoppel.

Withdrawal of the rejection of the claims 1-9 under 35 U.S.C. §112, second paragraph is thus respectfully requested.

REJECTION UNDER 35 U.S.C. §102(b)

Applicant has amended claim 1 by incorporating the subject matter previously recited in claim 8 which has been canceled.

Amended claim 1 now recites specifically that the device for controlling the at least one machine tool includes a handheld device that includes the control functions. Fair, on the other hand, teaches a data processing machine 60 (preferably located on a different floor) that includes the control functions. However, Fair does not teach or suggest using a handheld device. Flair's individual control units 80 do not include control functionality and can therefore not represent the handheld device. The units 80 may operate similarly to a thin client.

Williamson controls machines, such as pallet loader 171 and tool magazine loader 172 via a function control unit 148, which may perform functions typically associated with a thin client. Williamson discloses an online computer 173, which is controlling the control unit 148 and is itself programmed by a main scheduling computer 174. However, Williamson does not teach a handheld device having control functionality.

For the reasons set forth above, it is Applicant's contention that neither Flair nor Williamson, nor any of the other references of record, taken either alone

or in combination, teach or suggest the features of the present invention, as recited in amended claim 1.

As for the rejection of the retained dependent claims, these claims depend on amended claim 1, share its presumably allowable features, and therefore it is respectfully submitted that these claims should also be allowed.

Withdrawal of the rejections under 35 U.S.C. §102(b) and 35 U.S.C. §103(a) and allowance of claims 1- 4, 6, 7, and 9 are thus respectfully requested.

CITED REFERENCES

Applicant has also carefully scrutinized the further cited prior art and finds it without any relevance to the newly submitted claims. It is thus felt that no specific discussion thereof is necessary.

CONCLUSION

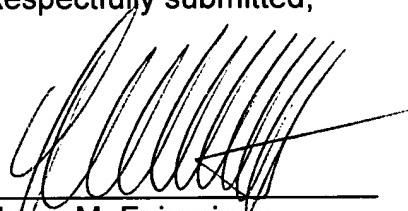
In view of the above presented remarks and amendments, it is respectfully submitted that all claims on file should be considered patentably differentiated over the art and should be allowed.

Reconsideration and allowance of the present application are respectfully requested.

Should the Examiner consider necessary or desirable any formal changes anywhere in the specification, claims and/or drawing, then it is respectfully

requested that such changes be made by Examiner's Amendment, if the Examiner feels this would facilitate passage of the case to issuance. If the Examiner feels that it might be helpful in advancing this case by calling the undersigned, applicant would greatly appreciate such a telephone interview.

Respectfully submitted,

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